

REMARKS

Applicant respectfully requests reconsideration of the Office action dated July 1, 2003 in view of the foregoing amendment and following remarks.

Claim 1 and its Dependent Claims

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Holzer (U.S. Patent No. 5,026,343); under 35 U.S.C. § 102(e) as being anticipated by Bobo Jr. (U.S. Patent Publication No. US 20030083607 A1); and under 35 U.S.C. § 102(e) as being anticipated by Goll (U.S. Patent No. 6,344,027). Claims 2-7 and 9-18, which all depend directly or indirectly from claim 1, stand variously rejected under 35 U.S.C. §§ 102(b) and/or (e) based on the above three references. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Goll or Bobo, Jr. or Holzer. As explained below, Applicant disagrees with the rejections and has made certain claim amendments to clarify what Applicant regards as the invention.

Claim 1 as amended calls for an end effector that extends away from the ejection mechanism and has a central fluid channel through which fluid flows. The fluid is ejected from a fluid reservoir through the channel and out through a plurality of orifices on the end effector (e.g., into cardiac tissue or another injection site).

Referring first to the Holzer patent, the device disclosed in Holzer does not have a fluid reservoir in fluid communication with an end effector as recited in Applicant's claim 1. Instead, the only structure that may be considered a fluid reservoir is not part of the injection device, but rather is contained within a separately provided disposable ampoule 11 (Fig. 5). As described at col. 2, lines 56-68 and col. 3, lines 1-9, the

ampoules are provided separately and inserted into and stored within the injection device until they are used. Apparently, the ampoules are disposable single-use containers, and contain a single dose of injectable liquid. Accordingly, Holzer does not disclose an injection device having a fluid reservoir as described and claimed in the present application.

In addition, Holzer does not disclose injection orifices that are provided on a device that is spaced or extended away from the ejection mechanism, as called for in amended claim 1. Rather, as shown in Figs. 5-7, the Holzer "punch" (designated with reference no. 15) which collapses the ampoules to provide the injections is immediately adjacent the front plate 1 through which the fluid is ejected (as best seen in Fig. 7).

Referring now to the Goll patent, Goll does not disclose, teach or suggest an injection device with multiple orifices, as described and claimed in the present application. Rather, as clearly shown in the various figures of the Goll patent, the Goll device has only a single port 30 from which fluid may be injected.

Regarding Bobo, Jr., that patent does not disclose an injection device configured to deliver injections through a central channel and out into an injection site through a plurality of orifices, as described and claimed in the present application. Rather, Bobo Jr. discloses a laser-based device for drilling a hole into tissue, such as cardiac tissue. The center of the laser-drilling device is adapted to accommodate the laser cutting mechanism, as seen in Figs. 36-38, and there is no fluid channel adapted to permit flow through the center of the device and then out through a plurality of orifices. Instead, an annular-shaped channel (e.g., lumen 164" shown in Fig. 37) is disposed around the

periphery of the laser, to provide medicament in an outer, non-central ring-shaped region surrounding the hole drilled by the laser.

As discussed above, the cited references do not disclose, teach or suggest a device as claimed in amended claim 1. Claims 2-18 contain further limitations which distinguish the cited references. Accordingly, amended claim 1 and its dependent claims patentably distinguish the cited art, and Applicant respectfully requests that the rejections of claims 1-18 under 35 U.S.C. §§ 102 and 103 be withdrawn.

Claim 19 and its Dependent Claims

Claim 19 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Holzer (U.S. Patent No. 5,026,343); under 35 U.S.C. § 102(e) as being anticipated by Bobo Jr. (U.S. Patent Publication No. US 20030083607 A1); and under 35 U.S.C. §102(e) as being anticipated by Goll (U.S. Patent No. 6,344,027). Claims 20-25, which all depend directly or indirectly from claim 19, stand variously rejected under 35 U.S.C. §§ 102(b) and/or (e) based on the above three references. Applicant disagrees with the rejections and has made certain claim amendments to clarify what Applicant regards as the invention. For reasons similar to those stated above, Applicant respectfully submits that claims 19-25 patentably distinguish the cited references, and requests withdrawal of the rejections of those claims.

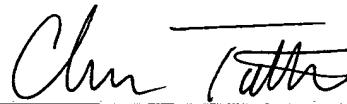
Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner

has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Christopher S. Tuttle
Registration No. 41,357
Customer No. 23581
Of Attorneys for Applicant/Assignee
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 1, 2003.


Renee Knight